

Hon. Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL AMPE and JEFFREY POWER,  
individually, and as class representatives,

Plaintiffs,

v.

CITY OF PUYALLUP, a municipality,

Defendant.

Case No. 07-5500

ORDER

The Court has reviewed the Stipulation between the parties and the agreed upon Notice, and issues the following Order:

IT IS HEREBY ORDERED that this case be certified as a collective action under Section 216(b) of the Fair Labor Standards Act permitting all similarly situated employees to file a consent form in order to join this action. This “certification” is “conditional,” is based the existence of “substantial allegations” that members of the putative class were subject to a common practice or policy, and is for the purpose of giving notice to putative class members.

*See e.g., Leuthold v. Destination America, Inc., 224 F.R.D. 462, 467 (N.D.Cal. 2004).*

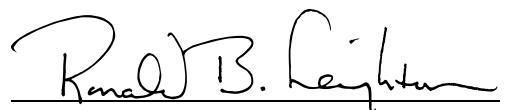
IT IS FURTHER ORDERED that the “similarly situated” employees referred to herein are all individuals working as firefighters, firefighter/paramedics, captains,

captain/paramedics and battalion chiefs for the City of Puyallup Fire Department at any time during the three years prior to the filing of this complaint through August 29, 2007.

IT IS FURTHER ORDERED defendant's counsel shall provide to plaintiffs' counsel within twenty (20) days of the date of the Court's Order the names and last known addresses for the following: all individuals working as firefighters, firefighter/paramedics, captains, captain/paramedics and battalion chiefs for the City of Puyallup Fire Department at any time during the three years prior to the filing of this complaint through August 29, 2007, except those persons who previously consented to join this lawsuit.

IT IS FURTHER ORDERED that plaintiffs' counsel shall mail the attached Notice (Exhibit A) and Consent Form (Exhibit B) within ten (10) days of their receipt of the contact information provided pursuant to the preceding paragraph ("the contact list") to the individuals on the contact list. The Notice shall advise the recipients that they have thirty (30) days in which to file their Consent Forms.

DATED this 22<sup>nd</sup> day of February, 2008.



Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

Presented By:

SCHROETER GOLDMARK & BENDER

*s/ Martin S. Garfinkel*

---

Martin S. Garfinkel, WSBA #20787  
Adam J. Berger, WSBA #20714  
Attorneys for Plaintiffs

SEBRIS BUSTO JAMES

*s/M. Edward Taylor*

---

M. Edward Taylor, WSBA No. 16864  
Attorney for Defendant

PUYALLUP CITY ATTORNEY'S OFFICE

*s/Cheryl F. Carlson*

---

Cheryl F. Carlson, WSBA No. 15914  
Deputy City Attorney  
Attorney for Defendant